IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JUDGE David Folsom

WEB TELEPHONY	§	
	§	
V.	§	CIVIL ACTION NO. 2:07CV85
	§	
BELL ATLANTIC	§	

ATTORNEYS FOR PLAINTIFF: Charles Ainsworth; Elizabeth DeRieux

ATTORNEYS FOR DEFENDANT: Charles Molster; Damon Young; Jeff Cox; Bruce DeRenzi; Scott Bittman; Jim Haltom; Darby Doan;

LAW CLERK: Jinyung Lee

COURT REPORTER: Libby Crawford

COURTROOM DEPUTY: Mel Martin

SCHEDULING CONFERENCE
October 1, 2007 @ 10:00 a.m.

OPEN: 9:59 ADJOURN: 10:10

9:59 ct opens; ct/ in agreement on most areas; technology involved;

9:59 DeRieux/ technology, 2 patents involved;

10:00 ct/ why do you feel technical advisor is not necessary;

10:00 DeRieux/ fairly straight forward;

10:00 Molster/ technical advisor would be useful;

10:01 ct/ we will use a technical advisor; would like ptys to meet and confer; hope ptys can

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agree on selection of a technical advisor; if not would like one name from plfs side and one name from dfts side; interview technical advisor, make sure they don't have any conflicts; without them knowing who is suggesting them; any questions about that process; the other scheduling issues, competing trial dates, 10/2008 and 3/2009; October 2008 is not feasible and will put this case down for March of 2009; with those dates will discuss a claim construction date; and can set that in May, June or July;

10:04 DeRieux/ discussed during meet and confer that once we had a trial date we could probably work out the remainder of the dates;

10:04 ct/ like to do claim constructions on Thursdays; will be available, 5/22nd, 29th, 6/5th, 12th, 26th, and any Thursday in July;

10:05 Molster/ May 29th sounds good

10:05 DeRieux/ that sounds fine

10:05 ct/ it will be 5/29th, 90 mins each side in Texarkana; any particular need for a tutorial

10:05 ptys agree

10:05 ct/ 30 to 45 mins each side for tutorial

10:06 Molster/ 45 mins to be safe

10:06 ct/ will have tutorial 5/28th at 2pm, 45 mins each side; with those dates why ptys shouldn't be able to agree on the other dates; limitations on depositions, meet and confer before discovery motions are filed;

10:07 DeRieux/ requested by dft Earthlink that we have reached an agreement and they are not present this morning;

10:07 ct/ mediation, encourage mediation when ptys feel it would be helpful;

10:07 DeRieux/ trying to agree on a name

10:07 ct/ any other matters;

10:07 Molster/ difference on how long trial will last;

10:08 ct/ we will discuss that later

10:08 Molster/ protective order

10:08 ct/ if unable to agree to any provision submit your requests or areas of disagreement;

Markman briefing, dfts submit a joint brief;

10:09 Molster/ we can do that;

10:09 ct/ any other matters; submit scheduling order within 14 days;

10:09 DeRieux/ yes your honor;

10:09 ct/ 30 days on protective order and 30 days on technical advisor;

10:10 adjourned;